

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

PUBLIC SERVICES – Prohibition & Excise Department – Allegation of corruption against Sri S.Sreerama Murthy, Proh. & Excise, Head Constable, Srikakulam – Trapped on 18.11.2003 – Charge sheeted – Placed under suspension – Acquitted by the ACB Court, Visakhapatnam – Criminal appeal filed in the High Court of AP pending – Judgment of High Court dt:31.1.2011 in W.P.No. 595 of 2011 – Implemented – Suspension period regularized – Orders – Issued

REVENUE (VIG.III) DEPARTMENT

G.O.RT.No. 1086

Dated:29.11.2014.

Read the following:-

- Ref:-
- 1.Proceedings of P & E Superintendent, Srikakulam Rc No.2055/2003/A1, dt.19.11.2003.
 2. From the DG, ACB, Letter Rc. No. 260/RCT-VSK/2003-S.12, dt: 12.3.2004.
 3. G.O.Ms.No.803, 804 & 805, Rev. (Vigilance-V) Dept. Dt:13.10.2004.
 4. Govt. Memo No.48330/Vig.V(2)/2003-16, dt.26.10.2006.
 5. Judgment of Spl. Judge for ACB Cases, Visakhapatnam dt: 30.9.2009 in CC No. 1 of 2005.
 6. Govt. Memo No. 48330/Vig.V(2)/2003-21, Revenue (Vig.V) Dept. Dt:25.1.2010.
 - 7.Hon'ble APAT orders dt:11.8.2010 in O.A.No. 5294/2010 filed by Sri M. Subhash Chandra Bose, Asst. Proh. & Excise Supdt. (Retd.)
 - 8.Govt. Memo No.48330/Vig.V(2)/2003-29, Rev. (Vig.V) Dept. Dt: 22.12.2010.
 9. Hon'ble High Court of A.P judgment dt:31.01.2011 in W.P.No.595/2011 filed by the Government.
 - 10.G.O.Rt No.234, Rev(Vig.V) dept., dt.22.01.2011.
 - 11.G.O.Rt No.846, Rev(Vig.V) Dept., dt.15.07.2011.
 12. Representation dt.21.08.2014 of Sri S.Sreerama Murthy, P&E Head Constable, Srikakulam.

O R D E R:

It has been brought to the notice of the Government that the ACB authorities have registered a criminal case against Sri M.Subash Chandra Bose, formerly Proh. & Excise Superintendent, Srikakulam, Sri Ch.Sreeramulu, formerly Proh. Excise Inspector, Ponduru and Sri S.Sreerama Murthy, Proh. Excise Constable, as they were allegedly involved in a case of moral turpitude i.e., demand and acceptance of bribe on 18.11.2003.

2. In the reference 2nd read above, Sri S.Sreerama Murthy, Proh. & Excise Head Constable, Srikakulam was kept under suspension by the P&E Superintendent, Srikakulam.

3. And whereas, the DG, ACB has submitted his final report recommending to prosecute the AOs in the court of law. In the reference 3rd read above, sanction was accorded to prosecute the Accused officer in a Court of Law, among others.

4. And whereas, in the reference 4th read above, Govt. have revoked the suspension orders of Sri S.Sreerama Murthy, Proh. Excise Constable without prejudice to the criminal /disciplinary proceedings pending against him.

5. And whereas, in the reference 5th read above, the Special Judge for ACB Cases, Visakhapatnam pronounced judgment on 30.9.2009 in CC No. 1 of 2005 holding that Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent and others are not guilty of the charges and acquitted them.

(P.T.O)

The DG, ACB has filed a Criminal Appeal against the acquittal of the Accused Officers before the Hon'ble High Court of Andhra Pradesh and the same is pending.

6. Consequent to his acquittal, by the ACB Court, Sri M. Subhash Chandra Bose, AES (Retd.) approached the A.P. Administrative Tribunal and filed OA No. 5294 of 2010. The A.P. Administrative Tribunal in their orders dt:11.8.2011, while disposing off the OA, have directed the authorities concerned to release all pensionary benefits including DCRG and treat the suspension period of the applicant as "on duty". The Hon'ble Tribunal has also directed to fix the pay of the individual by applying the Revised Pay Scales and release the same with arrears to him. The DG, ACB has filed a W.P. No.595/2010 against the above order of the Hon'ble Tribunal in the Hon'ble High Court. The Hon'ble High Court in its orders dated..31.01.2011 in W.P.No.595/2010, while modifying the orders of the Hon'ble Tribunal, directed the petitioner (Government) to regularize the services of the respondent viz., Sri M.Subash Chandra Bose, Assistant Proh. Excise Superintendent (Retd) for the period of suspension w.e.f. 20.03.2005 to 31.12.2005 and pass appropriate orders within a period of four weeks from the date of delivery of their judgment.

7. Accordingly, in the reference 10th read above, orders were issued treating the suspension period of Sri M.Subash Chandra Bose, formerly AES, Srikakulam (who was kept under suspension by the Commissioner of Prohibition & Excise) from 20.03.2005 to till his retirement i.e. 31.12.2005 as " on duty' under FR 54.

8. And whereas in the reference 11th read above, Govt. have extended the similar benefit to the another D.O. viz., Sri Ch.Sreeramulu, Proh. & Excise Inspector (Retd), regularizing the suspension period from 18.11.2003 to 14.1.2006 as " on duty" under FR 54, as he is a similarly situated person and was acquitted by the Hon'ble ACB Court, Visakhapatnam.

9. Now, in the reference 12th read above, Sri S.Sreerama Murthy, Proh. & Excise Head Constable has requested for grant of similar benefit extended to Sri M.Subash Chandra Bose, Proh. & Excise Superintendent (Retd) & Sri Ch.Sreeramulu, Proh. & Excise Inspector (Retd) i.e. for treating his suspension period from 18.11.2003 to 24.11.2006 as "on duty" under FR 54.

10. Govt. after careful examination of the representation of Sri S.Sreerama Murthy have decided and hereby order to regularize the suspension period of Sri S.Sreerama Murthy, Proh. & Excise Head Constable, Srikakulam for the period from 18.11.2003 to 24.11.2006 as " on duty " under FR 54.

11. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take further necessary action in the matter accordingly for release of his pay and allowances for the said period after deducting the subsistence allowance already paid.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri S.Sreerama Murthy, Proh. & Excise Head Constable, Srikakulam through the Commissioner of Prohibition & Excise, A.P., Hyderabad.

The Commissioner of Prohibition & Excise, A.P., Hyderabad.

Copy to:

The Deputy Commissioner of prohibition & Excise, Visakhpatanam.

The District Treasury Officer, Visakhapatnam.

The Director Treasures & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File/SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER